THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15884 of 2002

ORAL ORDER:

It appears, petitioner' husband was an employee of first respondent Cooperative Bank. After conducting enquiry, surcharge proceedings were initiated and petitioner' husband was found liable to pay certain amounts. Aggrieved by the same, the husband of the petitioner filed O.A.No.73 of 1997 before the third respondent-Tribunal. However, the third respondent dismissed the said appeal on 23.10.2000 and when E.P. proceedings were being taken up, the petitioner filed a claim petition before the second respondent under Rule 52(21) of the A.P. Cooperative Societies Rules, 1964. After considering the same, the second respondent dismissed the claim of the petitioner by proceedings in ARC 20/71-72 dated 18.7.2002. Thereafter, in pursuance of the orders passed in O.A.NO.73 of 1997 dated 23.10.2000, the impugned sale notice dated 20.7.2002 was issued. Aggrieved by the same, the present writ petition is filed.

I am of the opinion that the writ petition is misconceived and misdirected. The petitioner could have been advised to file a regular appeal under Section 76 of the A.P. Cooperative Societies Act, 1964 against the orders passed by the second respondent dated 18.7.2002 dismissing the claim petition and instead of that, the present writ petition is filed.

Of course, it seems the claim petition was dismissed on 18.7.2002 and impugned notice was issued on 20.7.2002, therefore, there was no breathing time for the petitioner to file appeal and she hurriedly approached this Court.

This Court, while admitting the writ petition on 23.8.2002, granted interim stay of all further proceedings in Sale Notice dated 20.7.2002.

In view of the above, without expressing any opinion on merits, the petitioner is directed to file a regular appeal under Section 76 of the A.P. Cooperative Societies Act, 1964 before the appellate authority within a period of two weeks from today and work out her remedies. On filing such appeal, the appellate authority shall entertain the same without raising any objection as to limitation and dispose of the same within a period of two months from the date of receiving such appeal. However, during the pendency of appeal, the respondents are directed not to take any coercive steps against the petitioner.

With the above observation and direction, the writ petition is disposed of. No order as to costs.

_____

C.V.RAMULU, J

Date: 3.11.2006

Note:
Issue C.C. in (5) days.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15884 of 2002

3.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15884 of 2002

Date: 3rd November, 2006

Between:

Smt.Vakkalanka Subbalakshmi

.. Petitioner

And

The Pithapuram Cooperative Urban Bank Ltd.,
Pithapuram, rep. by its Secretary & 2 others.

.. Respondents